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EXAMINER	
STEELMAN, MARY J	
ART UNIT	**PAPER NUMBER**
2191	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/839,784	DEMELLO ET AL.	
	Examiner	Art Unit	
	Mary J. Steelman	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 13-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 13-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/28/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to Remarks and Amendments received 11/28/2005. Per Applicant's request, claims 1, 15, 28, and 29 have been amended. Claims 1-11 & 13-30 are pending. IDS received 11/28/2005 has been considered (except #41 & #79).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 5, 8, 14-15, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horstmann, USPN 6,363,356, in view of Newman, USPN 5,983,245, in view of Chanos et al., US Patent Application Publication 2002 / 0120507 A1, and further in view of Perkowski, US Patent Application Publication 2005 / 0251458 A1.

As noted in the prior office action:

As Per Claim 1, Horstmnnn teaches that the invention makes possible an associates program for electronic content distribution by providing a mechanism whereby a referrer may be identified at the time of purchase in a download-then-pay system. (E.g. see Abstract and associated text). In that Horstmann discloses the method that covering the steps of a method of branding a computer program comprising the acts of: "receiving an indication (E.g. see col. 4:42-62) that a first copy of a computer program (E.g. see col. 4:43, electronic content) has been

downloaded (E.g. see col. 4:43, download) to a first computing device (E.g. see col. 4:45, end user machine) and that said first copy is to be branded with information (E.g. Fig. 2 and associated text, e.g. see col. 3:9-25) associated with a first entity (E.g. see col. 4:42-62, identifying information" (E.g. see Fig. 4 and associated text, e.g. see col. 4:42-62); "transmitting first data indicative of said first entity to said first computing device (E.g. see Fig. 4, identifying information 405 and associated text), said first data indicating that said first copy is to be branded with information associated with said first entity (E.g. see Fig. 2 and associated text, e.g. see col. 3:9-25, col. 4:4-21 and col. 6:4-20)"; "receiving said first data from said first computing device" (E.g. See Fig. 4, identifying information 409 and associated text) and providing first branding instructions to said first computing device." (E.g. see col. 4:11-13 and see Fig. 2 and associated text, e.g. col. 3:9-25, col. 4:4-21 and col. 6:4-20).

Horstmann does not explicitly disclose placing said first entity first in a list of electronic content-providing entities displayed on said first computing device. However, Newman in an analogous art teaches "placing said first entity first in a list of content- providing entities displayed on said first computing device". (E.g. see FIG. 6, section 386 and associated text, e.g. see col. 9:46 to col. 11 :14, which states "...the newly created URL will now be the most recently used' URL. Accordingly, the newly created URI- will be displayed at the 'top' of the list ...") (Emphasis added). Therefore, it would have been obvious to incorporate the teaching of Newman into the teaching of Horstmann to place first entity first in a list of content-providing entities. The modification would have been obvious because one of ordinary skill in the art would have been motivated so that the user can easily select the most recent URL and does not need to manually type-in over and over again.

Horstmann does not explicitly disclose the first entity comprising a distributor of content to be rendered by the computer program, the computer program comprising content-rendering and content shopping features as claimed. However, Chanos et al discloses a distributor of content to be rendered by the computer program, the computer program comprising content-rendering and content shopping features (E.g. see Page 4, Section 0041 and Page 14, Section 0129)'. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Chanos into the system of Horstmann and Newman, to provide a distributor of content to be rendered by the computer program, the computer program comprising content-rendering and content shopping features as claimed. The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a customer multiple choices to purchase software.

Independent claims 1 & 15 have been amended to include the following limitations: -a supplier of said computer program (UPC REQUEST Central Website) controlling which content-providing entities are displayed in said list based on agreements (pay an Advertiser Fee) between said supplier and said content-providing entities."

Perkowski (2005 /0251458 A1) disclosed [0248-0251] "Manufacturer desiring to register their consumer products and product-related Web pages within the UPC REQUEST Database would pay a one-time Manufacture Registration Fee, based on volume of sales. An annual maintenance fee may be desired or necessary...", [0250] "Each sponsor of the UPC REQUEST System would pay an annual Sponsor Fee for the right to display its name,

trademark/servicemark and/or message in hypertext within a selected portion of the sponsor frame displayed by licensed UPC REQUEST kiosks in retail stores, as well as Internet-enabled computer systems accessing the UPC REQUEST Central Website." [0251], "Advertisers, who advertise on the UPC REQUEST Central Website, would pay an Advertiser Fee based on the time and location that the Web advertisement is displayed." Also see FIGs. 3C, 4A1 regarding UPC REQUEST (supplier of said computer program) and registered manufacturers (content providing entities).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Horstmann / Newman / Chanos, by including the teachings of Perkowski, which provides for agreements between said supplier and content providing entities to provide display of content because one of ordinary skill in the art would have been motivated to charge an agreed fee for providing such a service.

See the previous office action for rejections to claims 5, 8, 14, 23 and 27 above.

Claim 15 is amended in the similar manner as claim 1 above, see the previous office action in combination with the rejection to claim 1 above for the rejection of claim 15.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horstmann in view of Newman, further in view of Carolan et al. US Patent No. 6,753,887, and further in view of Chanos et al. US 2002/0120507A1.

See previous office action for the rejection.

5. Claims 6-7 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horstmann, in view of Newman, further in view of Bates et al. US Patent No. 6,037,935 and in view of Chanos et al. US 2002/0120507A1.

See the previous office action for the rejection.

6. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horstmann in view of Newman, further in view of Philyaw US Patent No. 6,636,896 and in view of Chanos et al. US 2002/0120507A1.

See the previous office action for the rejection.

7. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horstmann in view of Newman, further in view of Chanos et al. US 2002/0120507A1.

See the previous office action for the rejection.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horstmann in view of Newman, further in view of Bukszar et al. US Patent No. 6,133,916 and Chanos et al. US 2002/0120507A1.

See the previous office action for the rejection.

9. Claims 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horstmnnn in view of Newman, further in view of Bukszar, further in view of Philyaw and Chanos et al. US 2002/0120507A1.

See the previous office action for the rejection.

10. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis, USPN 5835732, in view of Newman, USPN 5,983,245, in,view of Chanos et al., US Patent Application

Publication 2002 / 0120507 A1, and further in view of Perkowski, US Patent Application Publication 2005 / 0251458 A1.

As Per Claim 28, Kikinis discloses a method for distributing a variation of software through one of a plurality of entities, comprising: "providing a standardized version of software from a first entity and an indication that said standardized version of software is to be branded (E.g. see col. 12: 52-57)"., and "providing a customized version of said software as a function of one of a plurality of entities (E.g. see col. 12: 40-42)". In fact, as shown in F1G.1, the content partners (500) means more than one entity.

Kikinis does not explicitly disclose placing said first entity first in a list of electronic content-providing entities displayed on said first computing device. However, Newman in an analogous art teaches "placing said first entity first in a list of content- providing entities displayed on said first computing device". (E.g. see FIG. 6, section 386 and associated text, e.g. see col. 9:46 to col. 1 1:14, which states t&. . . the newly created URL will now be "the most recently used" IJRL. Accordingly, the newly created IJRI.- will be displayed at the "top" of the list .. ."). Therefore, it would have been obvious to incorporate the teaching of Newman into the teaching of Kikinis to place first entity first in a list of content-providing entities. The modification would have been obvious because one of ordinary skill in the art would have been motivated so that the user can easily select the most recent URL and does not need to manually type-in over and over again.

Horstmann does not explicitly disclose the first entity comprising a distributor of content to be rendered by the computer program, the computer program comprising content-rendering and content shopping features as claimed. However, Chanos et al discloses a distributor of

content to be rendered by the computer program, the computer program comprising content-rendering and content shopping features (E.g. see Page 4, Section 0041 and Page 14, Section 0129)'. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Chanos into the system of Horstmann and Newman, to provide a distributor of content to be rendered by the computer program, the computer program comprising content-rendering and content shopping features as claimed. The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a customer multiple choices to purchase software.

Independent claim 28 has been amended to include the following limitations:

-a supplier of said computer program (UPC REQUEST Central Website) controlling which content-providing entities are displayed in said list based on agreements (pay an Advertiser Fee) between said supplier and said content-providing entities."

Perkowski (2005 /0251458 A1) disclosed [0248-0251] "Manufacturer desiring to register their consumer products and product-related Web pages within the UPC REQUEST Database would pay a one-time Manufacture Registration Fee, based on volume of sales. An annual maintenance fee may be desired or necessary...", [0250] "Each sponsor of the UPC REQUEST System would pay an annual Sponsor Fee for the right to display its name, trademark/servicemark and/or message in hypertext within a selected portion of the sponsor frame displayed by licensed UPC REQUEST kiosks in retail stores, as well as Internet-enabled computer systems accessing the UPC REQUEST Central Website." [0251], "Advertisers, who

advertise on the UPC REQUEST Central Website, would pay an Advertiser Fee based on the time and location that the Web advertisement is displayed." Also see FIGs. 3C, 4A1 regarding UPC REQUEST (supplier of said computer program) and registered manufacturers (content providing entities).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Kikinis / Chanos et al., by including the teachings of Perkowski, which provides for agreements between said supplier and content providing entities to provide display of content because one of ordinary skill in the art would have been motivated to charge an agreed fee for providing such a service.

11. Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horstmann, USPN 6,363,356, in view of Newman, USPN 5,983,245, in view of Chanos et al., US Patent Application Publication 2002 / 0120507 A1, and further in view of Perkowski, US Patent Application Publication 2005 / 0251458 A1.

As Per Claim 29, Horstmann teaches a system for branding a computer program comprising: a first computing device which comprises: "memory which stores branding instructions for one of a plurality of entities (E.g. see col. 2-.49-53.)" Horstmann does not discloses "said one of said plurality of sets of branding instructions comprising instructions to place a first entity first in a list of content-providing entities".

However, Newman in an analogous art teaches "placing said first entity first in a list of content- providing entities displayed on said first computing device". (E.g. see FIG. 6, section 386 and associated text, e.g. see col. 9:46 to col. 1 1:14, which states "...the newly created URL

will now be "the most recently used" IJRL. Accordingly, the newly created IJRI.- will be displayed at the "top" of the list ..."). Therefore, it would have been obvious to incorporate the teaching of Newman into the teaching of Horstmann to place first entity first in a list of content-providing entities. The modification would have been obvious because one of ordinary skill in the art would have been motivated so that the user can easily select the most recent URL and does not need to manually type-in over and over again.

Horstmann and Newman do not explicitly disclose a network interface communicatively coupled to a computer network and logic which communicates one of a plurality of sets of branding instructions to a second computing device through said network interface. However, Carolan in an analogous art teaches a network interface (E.g. see FIG. 2A, network interface device 201 and associated text) communicatively coupled to a computer network and logic which communicates one of a plurality of sets of branding instructions to a second computing device (E.g. see FIG. 1, client 101-104 and associated text) through said network interface". Therefore, it would have been obvious to incorporate the teaching of Carolan into the teaching of Horstmann and Newman to use a network interface to communicate branding instructions to a second computing device. The modification would have been obvious because one of ordinary skill in the art would have been motivated so that the link (brand indicia) are presented to the more computer devices (in same computer network).

Horstmann does not explicitly disclose content-rendering and content shopping features as claimed. However, Chanos et al discloses content rendering and content shopping features (E.g. see Page 4, Section 0041 and Page 14, Section 0129). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the

teaching of Chanos into the system of Horstmann, to provide content-rendering and content shopping features as claimed. The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a customer multiple choices to purchase software.

Independent claim 29 has been amended to include the following limitations:

-a supplier of said computer program (UPC REQUEST Central Website) controlling which content-providing entities are displayed in said list based on agreements (pay an Advertiser Fee) between said supplier and said content-providing entities."

Perkowski (2005 /0251458 A1) disclosed [0248-0251] "Manufacturer desiring to register their consumer products and product-related Web pages within the UPC REQUEST Database would pay a one-time Manufacture Registration Fee, based on volume of sales. An annual maintenance fee may be desired or necessary...", [0250] "Each sponsor of the UPC REQUEST System would pay an annual Sponsor Fee for the right to display its name, trademark/servicemark and/or message in hypertext within a selected portion of the sponsor frame displayed by licensed UPC REQUEST kiosks in retail stores, as well as Internet-enabled computer systems accessing the UPC REQUEST Central Website." [0251], "Advertisers, who advertise on the UPC REQUEST Central Website, would pay an Advertiser Fee based on the time and location that the Web advertisement is displayed." Also see FIGs. 3C, 4A1 regarding UPC REQUEST (supplier of said computer program) and registered manufacturers (content providing entities).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Horstmann / Newman / Chanos, by including the teachings of Perkowski, which provides for agreements between said supplier and content providing entities to provide display of content because one of ordinary skill in the art would have been motivated to charge an agreed fee for providing such a service.

See the previous office action for the rejection of claim 30.

12. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned: 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

03/09/2006

WEI ZHEN
SUPERVISORY PATENT EXAMINER